

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Terrence Terrell Bryan,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.: 4:08-cv-1590-TLW-TER
)	
South Carolina Department of Corrections,)	
Warden Cartledge, and Responsible)	
Officials,)	
)	
Respondents.)	
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ORDER

Terrence Terrell Bryan ("Petitioner") filed a petition for a writ of habeas corpus on April 15, 2008. (Doc. # 1). The case was assigned to United States Magistrate Judge Thomas E. Rogers, III pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02, D.S.C. The Magistrate Judge issued a Report and Recommendation, which recommended that Respondents' motion for summary judgment, (Doc. # 25), be granted. (Doc. # 45). On March 16, 2009, this Court issued an order accepting the Report and Recommendation. (Doc. # 55). Petitioner filed a Notice of Appeal on October 22, 2010. (Doc. # 66). Pursuant to 28 U.S.C. § 2253(c), the Fourth Circuit Court of Appeals remanded the case back to this Court for a ruling as to whether to grant a certificate of appealability. (Doc. # 73).

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2254 Proceedings. The Court concludes that it is not appropriate to issue a certificate of appealability as to the issues raised in the petition. Petitioner is advised that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/Terry L. Wooten
TERRY L. WOOTEN
United States District Judge

November 3, 2010

Florence, South Carolina